

# FAQ's New Jersey's "Do Not Call" Law



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## 1. What is the New Jersey "Do Not Call" law?

The New Jersey "Do Not Call" law was signed by Governor James E. McGreevey on May 21, 2003, to protect consumers from unwanted and unsolicited telemarketing calls. The law took effect May 17, 2004.

## 2. What does the New Jersey "Do Not Call" law do?

The New Jersey "Do Not Call" law:

- ☒ Prohibits telemarketers from calling New Jersey residents who have placed their residential and/or mobile phone numbers on the national "Do Not Call" registry.
- ☒ Prohibits telemarketers who haven't registered with Consumer Affairs from calling any New Jersey resident.
- ☒ Prohibits all telemarketers from calling New Jersey residents between the hours of 9 p.m. and 8 a.m.
- ☒ Bars telemarketers from intentionally blocking the customer's use of caller identification.
- ☒ Requires telemarketers, including sellers that carry out "any plan, program or campaign" to sell merchandise to consumers in New Jersey to register annually and disclose certain information about their business operations and principals.
- ☒ Imposes stiff penalties against violators of up to \$10,000 for the first offense and up to \$20,000 for each subsequent offense.
- ☒ Covers most telemarketing sales calls regardless of where the telemarketer is calling from.
- ☒ Requires telemarketers and sellers to maintain in-house "Do Not Call" lists pertaining to "existing customers" who have said they do not want to receive sales calls from the telemarketers.

## 3. What is a telemarketer?

Under the New Jersey "Do Not Call" law, a telemarketer is any person or company making residential telemarketing sales calls to a customer in New Jersey, whether on its own behalf or on the behalf of others.

## 4. What is a seller and can it carry out its own telemarketing campaigns?

A seller is the person or entity actually providing the good or service being sold. A seller may carry out its own telemarketing campaigns in New Jersey. In that case, however, the seller would have to register with Consumer Affairs as a telemarketer. A seller may also contract with a telemarketer to make sales calls to customers in New Jersey on its behalf, in which case the telemarketer, not the seller, would be required to register with Consumer Affairs.

## 5. How do I stop telemarketers from calling me?

You may stop most telemarketing sales calls by registering your residential and/or mobile phone numbers with the federal "Do Not Call" registry.

## 6. Are all calls covered?

No. Telemarketers may still contact you if:

- ☒ they're calling on behalf of charities, political organizations or pollsters (Please note: You may ask third-party professional fund-raisers who call on behalf of charities to stop calling you and to tell the charity to put you on the charity-specific "no-call" list. The fund-raiser must honor your request);
- ☒ you've given the company written permission to call you;
- ☒ you're an "existing customer" — defined as 1) A person who is obligated to make payments to a seller on merchandise purchased or 2) A person who has entered into a written contract with a seller where there is an obligation to perform, either by the customer, seller or both; or
- ☒ you're an "established customer" for whom a seller has previously provided continuing services where the relationship has not been terminated and the telemarketer's call is limited to the service that is being provided. (However, the telemarketer can't "up-sell" or try to offer a new or enhanced service to the customer).



## **7. How do I sign up for the federal “Do Not Call” Registry?**

Signing up for the federal “Do Not Call” registry is simple and can be done by telephone or by Internet. To register by telephone, call 888-382-1222. To register online, log onto <http://www.donotcall.gov>. To register by phone, you must call from the telephone number you want to register. To register online, you will need an active e-mail address. If you have more than one telephone number, be sure to register each one or you may still get calls on the number that’s not registered. Registration is free.

## **8. Can I register my cellular phone?**

Yes.

## **9. I have more than three personal telephone numbers. How can I register all of the numbers?**

You may register up to three telephone numbers at one time on the federal “Do Not Call” registry Web site. You will receive separate confirmation e-mail for each number you register online. You must open each e-mail and click on the link in each one within 72 hours to complete the registration process. If you have more than three personal telephone numbers, you will have to go through the registration process more than once to register all of your numbers.

You can register only one phone number each time you call the federal “Do Not Call” registry, and you must call from the phone number you wish to register.

## **10. What if I get a new phone number. Do I need to register the new number?**

Yes.

## **11. Do I need to take my old phone number off the list when I get a new number?**

No. The federal “Do Not Call” registry will automatically remove telephone numbers that are disconnected for any reason.

## **12. Is there a registration fee to sign up for the federal “Do Not Call” list?**

No. Registration is free.

## **13. How soon after I register my telephone number on the federal list can I expect telemarketers to stop calling me?**

Telemarketers will have up to three months from the date you register your telephone number on the federal “Do Not Call” registry to stop calling you.

## **14. How long will my telephone number remain on the list?**

Any telephone number you register will remain on the registry for five years from the date you register (unless you take the number off the list or the phone number is disconnected.).

## **15. Can I register telephone numbers for family or friends?**

No. You may only register your own telephone number.

## **16. Can I register my business number?**

No. The New Jersey “Do Not Call” law and the federal “Do Not Call” registry only cover residential and personal phone numbers. Business-to-business calls are not covered.

## **17. If I register my telephone number, how will my information be used and disclosed?**

The FTC will collect your phone number and store it in the federal “Do Not Call” registry so that telemarketers and sellers can remove your phone number from their call lists. Telemarketers are required to search the registry every three months and delete from their call lists telephone numbers that are in the registry. The list has only phone numbers, not names or addresses.

## **18. What if I’ve registered for the federal “Do Not Call” registry, but still want to receive calls from certain telemarketers?**

You may give a telemarketer or seller written permission to continue calling you even if you’re on the federal “Do Not Call” registry.



## **19. Is New Jersey's "Do Not Call" law the same as the federal "Do Not Call" law?**

No. While amendments adopted in January allows the New Jersey Division of Consumer Affairs to utilize the federal "Do Not Call" registry, New Jersey's "Do Not Call" law is separate from the federal rules. New Jersey's law works with federal rules to offer New Jersey consumers the greatest possible protection from unwanted telemarketing sales calls.

## **20. What if the telemarketer is based outside of the State of New Jersey?**

The New Jersey "Do Not Call" law covers telemarketing sales calls to New Jersey consumers. This means that New Jersey Division of Consumer Affairs has the authority to take enforcement action against telemarketers who call New Jersey consumers whose residential telephone numbers and/or mobile phone numbers are on the federal "Do Not Call" registry regardless of where the telemarketer is based or where the call was placed from.

## **21. Are telemarketers allowed to block their telephone numbers?**

No. The New Jersey "Do Not Call" law prohibits telemarketers from intentionally blocking a customer's use of caller identification.

## **22. New Jersey's "Do Not Call" law requires telemarketers to register. What are the registration requirements for telemarketers?**

Telemarketers doing business in the State of New Jersey must register annually with the New Jersey Division of Consumer Affairs by completing and submitting a registration application; filing a disclosure statement with the Division stating whether or not their officers, directors, principals or owners have been convicted of certain crimes; and paying an annual registration fee ranging from \$150 to \$2,000 depending on the amount of telephone numbers the telemarketer uses to make sales calls.

## **23. How do I file a complaint?**

If you have registered your telephone number on the federal registry for at least three months and are still receiving telemarketing calls, you may contact Consumer Affairs at 888-NJNOCALL(888-656-6225) or log onto <http://www.njconsumeraffairs.com> for a complaint form. You may either file your complaint online or fill out the complaint form, sign it and return it to: New Jersey Division of Consumer Affairs, P.O. Box 45025, Newark, N.J. 07101.

## **24. What information do I need to know when filing a complaint against a telemarketer?**

Complaints should include the date of the call, the name of the telemarketer, the name of the seller, the telemarketer's address and/or the telemarketer's telephone number, if available. Consumer Affairs will investigate and, where appropriate, prosecute the violator.

## **25. Why do I need to know the name of the telemarketer or the seller when filing a complaint with the Consumer Affairs?**

The name helps regulators at Consumer Affairs know who to investigate and, where appropriate, take enforcement action against.

## **26. What if I don't have the telemarketer's telephone number?**

The more information you can provide will better help us investigate your complaint; however, we will attempt to trace the telemarketer by name if that's all the information you have available.

## **27. If I don't want to sign up for the "Do Not Call" registry, are there other ways to prevent telemarketers from calling me?**

Yes. You may ask the telemarketer to put you on a company-specific or telemarketer-specific "Do Not Call" list. You will need to keep a record of the date you made the request.

## **28. I received a phone call from someone offering to put my name on the federal "Do Not Call" Registry. Should I let them?**

No. The FTC will not allow private companies or other such third parties to register consumers for the federal "Do Not Call" registry. Web sites or phone solicitors that claim they can or will register a consumer's name or phone number on the federal registry — especially those that charge a fee — are almost certainly fraudulent.

*\* Some information contained in this document was obtained from the Federal Trade Commission.*